

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

R&L PUBLISHING, LTD

Plaintiff,

v.

SUCCESS RESOURCES USA, LTD.,

Defendant.

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CIVIL ACTION NO. 3:12-cv-03785-N
JURY TRIAL DEMANDED

DEFENDANT'S ANSWER TO PLAINTIFF'S ORIGINAL COMPLAINT

Defendant Success Resources USA, LLC ("Defendant"), by its undersigned attorneys, for its Answer to the Original Complaint (the "Complaint") of Plaintiff R&L Publishing, Ltd. ("Plaintiff"), hereby responds and alleges as follows:

Parties

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Complaint, and therefore denies same.
2. Defendant admits the allegations set forth in paragraph 2 of the Complaint.

Jurisdiction and Venue

3. Paragraph 3 is missing from the Complaint; therefore, Defendant respectfully remains silent on either admission or denial.
4. Defendant admits the allegations set forth in paragraph 4 of the Complaint.
5. Defendant admits the allegations set forth in paragraph 5 of the Complaint.
6. Defendant admits the allegations set forth in paragraph 6 of the Complaint.
7. Defendant denies the allegations set forth in paragraph 7 of the Complaint.

Factual Allegations

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Complaint, and therefore denies same.
9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Complaint, and therefore denies same.
10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Complaint, and therefore denies same.
11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 of the Complaint, and therefore denies same.
12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 12 of the Complaint, and therefore denies same.
13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 13 of the Complaint, and therefore denies same.
14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the Complaint, and therefore denies same.
15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 15 of the Complaint, and therefore denies same.
16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 16 of the Complaint, and therefore denies same.
17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17 of the Complaint, and therefore denies same.
18. Defendant is without knowledge or information sufficient to form a belief as to the truth

- of the allegations set forth in paragraph 18 of the Complaint, and therefore denies same.
19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 19 of the Complaint, and therefore denies same.
20. Defendant denies the allegations set forth in paragraph 20 of the Complaint.
21. Defendant admits that Plaintiff has not authorized nor approved Defendant's sale, offer for sale, distribution, or advertising of products or services under the allegedly Infringing Mark, but denies that such authorization or approval was required, and therefore, otherwise denies the allegations set forth in paragraph 21 of the Complaint.

Count I
Federal Trademark Infringement

22. Defendant repeats and re-alleges its responses to paragraphs 1 through 21 of the Complaint as if such responses were set forth in full herein.
23. Defendant denies the allegations set forth in paragraph 23 of the Complaint.
24. Defendant denies the allegations set forth in paragraph 24 of the Complaint.
25. Defendant denies the allegations set forth in paragraph 25 of the Complaint.

Count II
False Designation of Origin
(15 U.S.C § 1125(a))

26. Defendant repeats and re-alleges its responses to paragraphs 1 through 25 of the Complaint as if such responses were set forth in full herein.
27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 27 of the Complaint, and therefore denies same.
28. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 28 of the Complaint, and therefore denies same.
29. Defendant is without knowledge or information sufficient to form a belief as to the truth

of the allegations set forth in paragraph 29 of the Complaint, and therefore denies same.

30. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 30 of the Complaint, and therefore denies same.

31. Defendant denies the allegations set forth in paragraph 31 of the Complaint.

32. Defendant denies the allegations set forth in paragraph 32 of the Complaint.

33. Defendant denies the allegations set forth in paragraph 33 of the Complaint.

Count III

Injury to Business Reputation and Dilution

(Tex. Bus. & Com. Code Ann. § 16.29)

34. Defendant repeats and re-alleges its responses to paragraphs 1 through 33 of the Complaint as if such responses were set forth in full herein.

35. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 35 of the Complaint, and therefore denies same.

36. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 36 of the Complaint, and therefore denies same.

37. Defendant denies the allegations set forth in paragraph 37 of the Complaint.

38. Defendant denies the allegations set forth in paragraph 38 of the Complaint.

Count IV

Unfair Competition

(Texas Common Law)

39. Defendant repeats and re-alleges its responses to paragraphs 1 through 38 of the Complaint as if such responses were set forth in full herein.

40. Defendant denies that it has committed any acts of unfair competition and trademark infringement as stated in paragraph 40 of the Complaint. Defendant further is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 40 of the Complaint, and therefore denies same.

41. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 41 of the Complaint, and therefore denies same.
42. Defendant denies the allegations set forth in paragraph 42 of the Complaint.
43. Defendant denies the allegations set forth in paragraph 43 of the Complaint.
44. Defendant denies the allegations set forth in paragraph 44 of the Complaint.

Allegations of Damage

45. Defendant repeats and re-alleges its responses to paragraphs 1 through 44 of the Complaint as if such responses were set forth in full herein.
46. Defendant denies the allegations set forth in paragraph 46 of the Complaint.
47. Defendant denies the allegations set forth in paragraph 47 of the Complaint.
48. Defendant denies the allegations set forth in paragraph 48 of the Complaint.
49. Defendant denies the allegations set forth in paragraph 49 of the Complaint.

DEFENSES

1. Defendant's use of the allegedly infringing mark was fair use.
2. Plaintiff's asserted marks are weak and diluted and thus, not infringed, diluted or otherwise damaged by Defendant's use of the allegedly infringing mark.

JURY DEMAND

Defendant demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/ Elizann Carroll
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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2013, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all counsel who are authorized to receive electronically Notices of Electronic Filing.

/s/ Elizann Carroll